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Attorneys for Defendant
 ANNA'S LINENS, INC.

8 UNITED STATES DISTRICT COURT
 9 NORTHERN DISTRICT OF CALIFORNIA
 10

11 CORNELIUS CLARK, CHESTER LEWIS,
 JOHN PONDS and GARRANT COSEY, on behalf
 12 of themselves and all other similarly situated
 persons,
 13

Plaintiffs,
 14

vs.
 15

ANNA'S LINENS, INC.,
 16

Defendant.
 17

) CASE NO. C05-02670 MMC
)

) **JOINT STIPULATION AND**
) **[PROPOSED] ORDER RE:**
) **CONTINUANCE OF HEARING ON**
) **DEFENDANT ANNA'S LINENS,**
) **INC.'S MOTION FOR SUMMARY**
) **JUDGMENT OR IN THE**
) **ALTERNATIVE, PARTIAL**
) **SUMMARY JUDGMENT AND**
) **PLAINTIFFS' REQUEST**
) **PURSUANT TO FEDERAL RULE**
) **OF CIVIL PROCEDURE 56(f)**
)

) Current Hearing Date: February 9, 2007
) Time: 9:00 a.m.
) Judge: Hon. Maxine M. Chesney
) Ctrm: 7
)

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 22 Plaintiffs, Cornelius Clark, Chester Lewis, John Ponds and Garrant Cosey ("Plaintiffs")
 23 and Defendant, Anna's Linens, Inc. ("Defendant"), by and through their respective counsel,
 24 hereby agree and stipulate as follows:

25 WHEREAS, on January 5, 2007, Defendant filed a Motion For Summary Judgment Or In
 26 The Alternative, Partial Summary Judgment. This Motion was scheduled to be heard on
 27 February 9, 2007;

28 WHEREAS, on January 19, 2007, Plaintiffs filed a Request, Pursuant to Federal Rule of

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1 Civil Procedure 56(f), That The Court Deny Defendant Anna's Linens, Inc.'s Motion For
2 Summary Judgment, Or In The Alternative, Partial Summary Judgment, As Premature, Or In
3 The Alternative, Continue Anna's Linens' Motion, To Allow Plaintiffs Adequate Time For
4 Discovery Of Essential Facts To Enable Plaintiffs To Resist Anna's Linens' Motion. This
5 Request also was scheduled to be heard on February 9, 2007;

6 WHEREAS, on January 30, 2007, Plaintiffs filed a Request That The Court Grant Relief
7 Pursuant To Federal Rule of Civil Procedure 56(f), Which Is Effectively Unopposed. That
8 Request also was scheduled to be heard on February 9, 2007;

9 WHEREAS, on February 1, 2007, Defendant Anna's Linens, Inc. filed an Opposition To
10 And Motion To Strike Plaintiffs' "Request That Court Grant Plaintiffs' Request For Relief
11 Pursuant To Federal Rule Of Civil Procedure 56(f)";

12 WHEREAS the parties are and have been engaged in mediation before Jerry Spolter,
13 Esq., of JAMS, and have scheduled another mediation session for February 8, 2007; and

14 WHEREAS, in order to maximize the potential benefits of mediation, the parties wish to
15 avoid potentially unnecessary litigation burdens and expense and wish to spare the Court the
16 burden of potentially unnecessary proceedings;

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1 NOW, THEREFORE, Plaintiffs and Defendant hereby AGREE and STIPULATE that the
2 hearing on the above-referenced motions shall be continued four (4) weeks to March 9, 2007, or
3 to a date thereafter set by the Court.

4 IT IS SO STIPULATED.

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6 DATED: February 2, 2007

GOLDSTEIN, DEMCHAK, BALLER,
BORGEN & DARDARIAN

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8 By: /s/ Teresa Demchak
9 TERESA DEMCHAK
10 Attorneys for Plaintiffs CORNELIUS
11 CLARK, CHESTER LEWIS, JOHN
PONDS, AND GARRANT COSEY

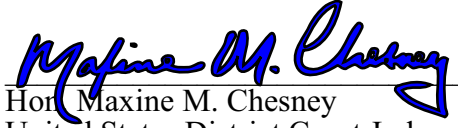
12 DATED: February 2, 2007

GORDON & REES LLP

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14 By: /s/ Brian P. Maschler
15 BRIAN P. MASCHLER
16 Attorneys for Defendant
ANNA'S LINENS, INC.

17 IT IS SO ORDERED. The hearing is continued to March 9, 2007 at
18 9 a.m./~~p.m.~~

19
20 DATED: February 5, 2007

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Hon. Maxine M. Chesney
United States District Court Judge